

27



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,452	04/21/1999	TIMO BRUCK	WEB-340	8411

47973 7590 03/11/2005

WORKMAN NYDEGGER/MICROSOFT  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

EXAMINER
----------

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/296,452

Applicant(s)

BRUCK ET AL.

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 58-75,77-89 and 92-104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-75,77-89 and 92-104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/22/2004 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 58-75, 77-89, 92-104 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-57, 76, 90-91 have been cancelled.

### ***Claim Objections***

3. Claims 77-84 are objected to because of the following informalities:

Art Unit: 2611

Claims 77-79 depend on cancelled claim 76. Examiner interprets the limitation in line 1 of claims 77-79 as – The computer program product of claim 73.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 58-69, 71-75, 77-83, 85-89 and 92-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander (US 6,177,931) in view of Nishi (US 6,681,395).

Regarding claim 58, Alexander discloses in a client system (viewer television system) comprising a display for showing video programs received from one or more video sources (video program source) and chat communication from one or more chat rooms (via modem to Internet) (col. 8, lines 18-64), the client system displaying a particular video program and chat communication corresponding to the particular video program (col. 17, lines 50-60; col. 18, lines 33-53), the method comprising:

Art Unit: 2611

receiving a video program from a video source (e.g., a football game –figure 1, col. 18, lines 13-53);

receiving chat communication from a chat room that is associated with the video program (receiving chat communication from a chat room about the game as a result of the user enter the chat room– col. 8, lines 60-65; col. 17, line 50-col. 18, line 53);

storing a plurality of distinct user interface data (according to set up procedures, viewer profile information – col. 7, lines 5-30) for defining the display of video program and chat communication, that differ from one user interface to another (the position and size of the windows are customized by the viewer according to viewer set up information or viewer profile information- Col. 3, lines 17-20; col. 5, lines 20-45; col. 7, lines 1-30; col. 10, lines 30-60; col. 14, lines 23-41; col. 17, lines 15-37; col. 18, lines 33-line 53);

selecting from the user interface data for use in customizing display of the video program and the chat communication based on at least one of (i) an episode of a television series included in the video program, (ii) a television series corresponding to the video program, (iii) a television network affiliate providing the video program, or (iv) a network providing the video program (selecting data for use in customizing display of the video and the chat communication such as displaying a viewer favorite video and chat communication associated with the favorite video base on the channel, network or the video program in separate windows, entire screen overlay, partially screen overlay, etc. Col. 3, lines 17-19; col. 14, lines 23-41; col. 18, lines 33-53; col. 30, lines 45-58; col. 31, lines 9-67; figures 1, 9);

Art Unit: 2611

displaying the video program and chat communication (as a result of the viewer enter chat room – col. 8, lines 60-65) in accordance with the selected user interface data and thereby creating a customized user interface for the video program and chat communication (displaying video program, chat communication and other data one the display screen based on the EPG set up information and viewer profile information thereby creating a customized user interface – col. 30, line 47-col. 32, line 34).

However, Alexander does not specifically disclose distinct user interface templates and the use of user interface templates.

Nishi discloses the plurality of distinct user interface templates are received and stored in the subscriber terminal (4) from broadcasting station (2). The user interface templates defines region of the data displayed on the screen. The data on the screen are arranged according the user interface templates (figures 1-4; col. 2, line 5-col. 3, line 3; col. 4, line 37-col. 5, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander to use the teaching as taught by Nishi in order for use in displaying a program guide quickly (col. 4, lines 3-5), and to reduce difficulty for the user to select desired program from the displayed program guide in a form of a table of program cells (col. 1, lines 56-66).

Regarding claim 61, Alexander further discloses receiving chat link data (Internet link to chat room) indicating that the client system may display a user selectable chat link (icon link to chat room) for connecting to the chat room (col. 17, line 50-col. 18, line 53);

Art Unit: 2611

displaying the user selectable chat link (icon link to chat room) simultaneously with the video program (figure 1, col. 17, line 48-col. 18, line 36);

receiving user selection of the chat link (user select the icon link to the chat room – col. 18, lines 33-37); Alexander further discloses the viewer selects the icon associated with the football game to link to a chat room of the football game to chat about the game (col. 18, lines 32-53). Necessarily, the chat request with the chat room identifier (for example, chat room of the foot ball game) is sent to a host server (Internet server); and the chat server identifies requested chat room (chat room about the game) and connects the viewer to the chat room that chat about the game.

Regarding claim 59, Alexander further discloses the host and the chat servers are the same server (Internet provider – col. 8, lines 36-64; col. 17, line 50-col. 18, line 53).

Regarding claim 60, Alexander further discloses the connect web site address may be supplied, for instance, through information transmitted to the viewer's television over the vertical blanking interval (the VBI), the user uses the Internet web site to enter chat room or other interactive services (col. 8, lines 44-64). Necessarily, the video program and the chat link data are received in a signal broadcast from the video source.

Regarding claims 62-63, Alexander further discloses the position and size of the windows are resizable by the viewer (col. 7, lines 17-20). The web site (e.g., on line chat about the game) can be displayed in the area occupied by the Grid Guide while

Art Unit: 2611

continuing to display the real time video display of the currently tuned television program in the PIP window (col. 18, lines 33-53). The viewer can request that the Grid Guide be displayed over a portion of screen as an overlay of the video television programming, or occupy only a portion of the screen, while continuing to show the video television programming in the PIP window of the screen or occupy the entire screen (col. 7, lines 18-30). Necessarily, Alexander's disclosure encompasses the chat region (web site) is adjacent the video region, the chat region (web site) overlies the video region.

Regarding claim 64, Alexander in view of Nishi teaches a method as discussed in the rejection of claim 58. Alexander further discloses the detailed information can include, among other things, detail description of the program, information about the actors and actresses, identification of relevant Internet web sites and online Internet chat rooms. The EPG provides the viewer with the ability to request detailed information from the guides/data services (col. 17, lines 48-66). Alexander also discloses viewer can tune to another channel for display different video program associated with the channel (col. 14, lines 52-67). As a result, the video program and chat communication associated with the another channel display on the customized screen based on the information associated with the video program such as detailed information, viewer profile information. Therefore, the claimed second video program is met by the another program selected by the viewer; the claimed second chat communication from a second chat room is met by the chat communication from the chat room associated with the



Art Unit: 2611

another program; the customizing display of the second video program and second chat communication is met by the displaying of the another program and chat communication from the chat room associated with the another program. Alexander does not specifically disclose user interface templates. Nishi discloses provides various user interface templates for different program, channel, times, etc. (col. 2, lines 5-67). Therefore, it would have been obvious to modify Alexander to use various user templates for use to quickly display a customized program guide based on size of the display screen, channels (col. 1, lines 57-67).

Regarding claim 65, Alexander further discloses an identifying characteristic of the video program is displayed outside of the video region of the display (information displayed outside PIP window 12– figure 1).

Regarding claims 66-67, Alexander further discloses the program titles (NEWS, PRIME TIMES, Walker, Texas Rangers, etc. figures 1, 5-6) read on the identifying characteristic identifies an episode of a television series including in the video program/ a television series corresponding to the video program.

Regarding claims 68-69, Alexander discloses the channel network, detailed information (ABC, FOX, etc. figures 5-6; col. 17, lines 48-65) reads on the identifying characteristic identifies a television network affiliate, a television network providing the video program.

Art Unit: 2611

Regarding claim 71, Alexander in view of Nishi teaches a method as discussed in the rejection of claim 64. Nishi further discloses a set of templates includes a plurality of frames templates; channel name templates of different types into which display manners of possible channels are classified, each channel name template being for displaying a channel name display section; and program templates for each displaying a program information for a signal program, each program template being associated with one of categories into which possible programs are classified, each being suited for a condition in which the special frame template is to be used (col. 2, lines 5-47). Nishi further discloses the user can select a channel or program from the program guide to watch the program (col. 12, lines 13-42). Necessarily, the second user interface template is selected (user template associated with the selected channel/selected program) because (i) an episode of a television series included in the second video program differs from an episode of television series included in the first video program, or (ii) a television series corresponding to the second video program differs from a television series corresponding to the first video program.

Regarding claim 72, Alexander in view of Nishi teaches a method as discussed in the rejection of claim 64. Nishi further discloses a set of templates includes a plurality of frames templates; channel name templates of different types into which display manners of possible channels are classified, each channel name template being for displaying a channel name display section; and program templates for each displaying a program information for a signal program, each program template being associated with

Art Unit: 2611

one of categories into which possible programs are classified, each being suited for a condition in which the special frame template is to be used (col. 2, lines 5-47). Nishi further discloses the user can select a channel or program from the program guide to watch the program (col. 12, lines 13-42). Necessarily, the second user interface template is selected (user template associated with the selected channel/selected program) because (i) a television network affiliate providing the second video program differs from a television network affiliated providing the first video program, or (ii) a network providing the second video program differs from a network providing the first video program.

Regarding claim 92, Alexander in view of Nishi teaches a method as discussed in the rejection of claim 58. Alexander further discloses the video program has a beginning and an end (for example, "WALKER, TEXAS RANGERS" begins at 10:00 P. M and ends at 10:30 P.M – figure 5). Alexander further discloses each program has an associated chat link in detailed information that allow user to enter relevant chat rooms. However, neither Alexander nor Nishi explicitly discloses displaying a new chat link with the video program, the new chat link linking to new chat room that is associated with a different video program. Official Notice is taken that providing new interactive links with video program to different source is well known in the art. For example, while the television program is being watch, a link is provided that allow the user to link to a chat room associated with a different program in the same category. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify

Art Unit: 2611

Alexander and Nishi to use the well known teaching in the art in order to allow viewer to link to different source while watching program.

Regarding claim 93, Alexander in view of Nishi teaches a method as discussed in the rejection of claim 58. However, neither Alexander nor Nishi explicitly discloses chat room is maintained by the chat server only until the user leaves the chat room, wherein the user is determined to be a last participant to leave the chat room. Official Notice is taken that chat room is maintained only until the last user leaves the chat room is well known in the art. For example, the server monitors number of total participants in a chat room, the number decreases by the number of participants leave the chat room. When the number of total participant is zero, the server closes the chat room. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Alexander and Nishi to use the well known teaching in the art in order to reduce maintenance cost of chat room.

Regarding claims 73-74, 77-83, 85-89, the claims are directed toward embody the method of claims 58-59, 62-63, 65-69, 64, 71-72 respectively in a "computer program product." It would have been obvious to one of ordinary skill in the art to embody the procedures of Alexander in view of Nishi as discussed with respect to claims 59-59, 62-63, 65-69, 64, 71-72, in a "computer program product" in order that a processor could automatically perform the instructions.

Art Unit: 2611

Regarding claim 75, Alexander in view of Nishi teaches a method as discussed in the rejection of claim 73. Nishi further discloses selecting one or the plurality of distinct user interface templates suitable to the form of the request program guide based on based on display conditions (col. 4, lines 38- 67). The set of templates includes a plurality of frame templates; channel name templates of different types into which display manners of possible channels are classified, each channel name template being for displaying a channel name display section; and program templates for each displaying a program information for a single program, each program templates being associated with one of categories into which possible programs are classified (col. 2, lines 5-67). If there are a plurality of templates whose valid terms overlap, then the template with the shortest valid term is used (col. 31-66). Thus, the claimed limitations of selecting one of the plurality of distinct user interface based on the video program identifying characteristic comprises selecting a user interface for (i) an episode of a television series included in the video program, if one exists, and if not (ii) a television series corresponding to the video program, if one exists, and if not (iii) a television network affiliate providing the video program, if one exists, and otherwise (iv) a network providing the video program is met by selecting the most specific interface template according to display conditions (channels, programs, etc.).

Regarding claim 94, Alexander discloses in one or more host servers (Internet server) receiving one or more chat requests from one or more client system (viewer television system) that show video programs received from one or more video sources (via tuner –

Art Unit: 2611

col. 7, lines 5-17) and chat communication from one or more chat servers (Internet server) corresponding to the received video programs (col. 17, lines 48-62), a method of a server controlling a client system's displaying of a particular video program and chat communication corresponding to the particular program (col. 18, lines 32-67), the method comprising:

receiving a chat request from a client system, the chat request including a video program identifying characteristic, for a video program, that identifies at least one of (i) an episode of a television series included in the video program, (ii) a television series corresponding to the video program, (iii) a television network affiliate providing the video program, or (iv) a network providing the video program; (the detailed information of a program includes a identification of relevant web site and online Internet chat rooms.

The viewer of the viewer's television system can request to enter chat room associated with the television program by selecting information in detailed data- col. 17, lines 48-63; col. 18, lines 33-53. Inherently, the identifying characteristic for the video program, that identifies an episode of a television series included in the video program (e.g., football game) is included so that the viewer enter the chat room associated with the game);

Alexander further discloses storing plurality of viewer set up information, viewer profile information that defines the displayed of the video program and chat information on the screen such as tuning to a predetermined channel and displaying the tuner channel in full mode or PIP mode, blocking particular channel on the screen, customizing the display of the screen, displaying Grid Guide, chat communication in full mode or in PIP

Art Unit: 2611

or overlay (col. 7, lines 5-30; col. 17, lines 13-60; col. 18, lines 33-53; col. 30, line 45-col. 31, line 24). However, Alexander does not specifically disclose user interface templates.

Nishi discloses the plurality of distinct user interface templates are received and stored in the subscriber terminal (4) from broadcasting station (2). The user interface templates defines region of the data displayed on the screen. The data on the screen are arranged according the user interface templates (figures 1-4; col. 2, line 5-col. 3, line 3; col. 4, line 37-col. 5, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander to use the teaching as taught by Nishi in order for use in displaying a program guide quickly (col. 4, lines 3-5) and to reduce difficulty for the user to select desired program from the displayed program guide in a form of a table of program cells (col. 1, lines 56-66).

Regarding claims 95-98, the limitations as claimed correspond to the limitations as claimed in claims 59, 64, 71-72 respectively, and are analyzed as discussed with respect to the rejection of claims 59,64,71-72.

Regarding claims 99-104, the claims are directed toward embody the method of claims 58,61,60,64,92-93 respectively in a "computer program product." It would have been obvious to one of ordinary skill in the art to embody the procedures of Alexander in view of Nishi as discussed with respect to claims 58,61,60,64,92-93, in a "computer program product" in order that a processor could automatically perform the instructions.

6. Claims 70 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931) in view of Nishi (US 6,681,395) as applied to claims 65, 79 respectively, and further in view of Knudson et al. (US 6,526,577).

Regarding claim 70, Alexander in view of Nishi teaches a method as discussed in the rejection of claim 65. Alexander further discloses Translucency on screen effect (col. 14, lines 42-46). However, neither Alexander nor Nishi explicitly discloses the identifying characteristic includes a background underlying other displayed data.

Knudson teaches the identifying characteristic includes a background underlying other displayed data (see figure 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander and Nishi to use the teaching as taught by Knudson in order to maximize the use of user interface display.

Regarding claim 84, the claim is directed toward embody the method of claim 70 in a "computer program product." It would have been obvious to one of ordinary skill in the art to embody the procedures of Alexander, Nishi and Knudson as discussed with respect to claim 70 in a "computer program product" in order that a processor could automatically perform the instructions.



***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alten et al. (US 5,781,246) teaches electronic television program guide schedule system and method.

Komeno (US 6,351,599) teaches picture image selecting and display device.

Rosin et al. (US 6,295,057) teaches Internet content and television programming selectively displaying system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH  
March 01, 2005



VIVEK SRIVASTAVA  
PRIMARY EXAMINER